

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, APRIL 26, 2017

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. March 22, 2017 Council Meeting
2. March 29, 2017 Special Council Meeting

E. INTERVIEW:

1. CHARTER REVIEW COMMISSION:

- [Wyatt B. Angelo](#) – Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2017-99](#) Communication (04/03/2017) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua‘i County 2017 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended. (***See Resolution No. 2017-33***)
2. [C 2017-100](#) Communication (04/04/2017) from the Director of Finance, transmitting for Council information, the Period 8 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of February 28, 2017, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2016-2017. (*Copies of the Period 8 Financial Reports as of February 28, 2017 on file in the Office of the County Clerk.*)

3. [C 2017-101](#) Communication (04/06/2017) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kaua'i from January 1, 2017 through March 31, 2017.
4. [C 2017-102](#) Communication (04/10/2017) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2016-2017, pursuant to Section 17 of Ordinance No. B-2016-812, the Operating Budget of the County of Kaua'i for Fiscal Year 2016-2017.

G. COMMUNICATIONS:

1. [C 2017-91](#) Communication (03/13/2017) from Councilmember Chock, requesting the presence of the Planning Director, to provide a comprehensive presentation on the duties and responsibilities of the Zoning Board of Appeals, and other related matters. *(See also CR-PL 2017-06; the Planning Committee recommended C 2017-91 be received for the record.)*
2. [C 2017-103](#) Communication (04/04/2017) from the Housing Director, requesting Council approval for the following:
 - a. Fee simple acquisition from the owners of the residential unit at 3920 Haoa Street, #113, Lihu'e, Kaua'i, Hawai'i, TMK: (4) 3-5-001-165-0003, for not more than \$193,600.00;
 - b. Fee simple resale of the residential unit situated at 3920 Haoa Street, #113, Lihu'e, for not more than \$193,600.00, to a participant on the Affordable Housing Program Waitlist and subject to the County of Kaua'i's Restriction on Sale or Transfer, Debt and Use for a period of twenty (20) years;
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.
3. [C 2017-104](#) Communication (04/06/2017) from the Director of Finance, transmitting for Council consideration, a proposed amendment to Ordinance No. B-2016-812, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2016-2017, by revising the amounts estimated in the Solid Waste Fund, to create the proper appropriation account to record expenditures related to loan payments made to the State Revolving Fund (SRF). *(SRF Loan Repayment - \$17,595.00) (See Proposed Draft Bill (No. 2648))*

4. [C 2017-105](#) Communication (04/11/2017) from the Chief of Police, requesting Council approval to use unexpended funds in Account No. 001-1001-551.43-01 (Kaua'i Police Department, Chief's Office, Repair and Maintenance Building), for an unbudgeted purchase of movable, non-permanent privacy walls at an approximate cost of \$40,500.00 to expand the Chief's Office at Ka Hale Makai o Kaua'i, to accommodate the increase in personnel assigned to the Chief's Office as a result of the creation of the Office of Professional Standards, which includes investigators who handle matters involving internal affairs and accreditation.

5. [C 2017-106](#) Communication (04/12/2017) from the Chief of Police, requesting Council approval to use anticipated unexpended funds in Account No. 001-1001-551.88-02 (Kaua'i Police Department, Chief's Office, Leased Vehicles), for an unbudgeted purchase of fifteen (15) newly marked Ford Explorer patrol vehicles, at an estimated cost of \$50,000.00 to \$55,000.00 for each vehicle (total of \$750,000.00 to \$825,000.00), with the cost of an annual lease anticipated to be \$178,000.00 per year for five (5) years, as the Kaua'i Police Department is in year two of a three year strategic vehicle replacement plan, which necessitates the purchase of forty-five (45) newly marked patrol vehicles over the next three (3) years, this request is made with the understanding that no vehicles will be budgeted in Fiscal Year 2018.

6. [C 2017-107](#) Communication (04/13/2017) from the Housing Director, transmitting for Council consideration, a proposed amendment to Ordinance No. B-2016-812, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2016-2017, by revising the amounts estimated in the Housing Revolving Fund. (*Housing Agency, 3920 Hooa Street, #113 Purchase*) (**See Proposed Draft Bill (No. 2649)**)

7. [C 2017-108](#) Communication (04/13/2017) from the County Attorney, requesting Council authorization to expend additional funds up to \$48,000.00 for Special Counsel's continued services provided in State of Hawai'i vs. Irvin Maganayes, Criminal Number CR15-1-0267 (Fifth Circuit Court), and related matters.

8. [C 2017-109](#) Communication (04/13/2017) from the County Attorney, requesting Council authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.

H. CLAIMS:

1. [C 2017-110](#) Communication (04/11/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by CSAA Insurance Exchange as subrogee for Juliana Lundberg, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2017-111](#) Communication (04/19/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Elaine Walto, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2017-06:** on C 2017-91 Communication (03/13/2017) from Councilmember Chock, requesting the presence of the Planning Director, to provide a comprehensive presentation on the duties and responsibilities of the Zoning Board of Appeals, and other related matters. **[Received for the Record.]**

2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2017-03:** on EDIR 2017-03 Communication (04/04/2017) from Committee Chair Kawakami, requesting the presence of the Director of Economic Development and 'Aina Ho'okupu o Kilauea, to provide an update on the Kilauea Community Agricultural Center. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2017-32](#) – RESOLUTION APPROVING THE FISCAL YEAR 2018 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES (*Deferred April 12, 2017*)

2. [Resolution No. 2017-33](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2017 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2648\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*SRF Loan Repayment - \$17,595.00*)

2. [Proposed Draft Bill \(No. 2649\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE HOUSING DEVELOPMENT FUND (*Housing Agency, 3920 Haa Street, #113 Purchase*)

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-901 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.

2. ES-902 Pursuant to Hawai'i Revised (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 in State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (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-903 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 in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (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.

M. ADJOURNMENT.

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, LĪHUʻE, KAUAʻI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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