

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, APRIL 6, 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. February 17, 2016 Special Council Meeting
2. February 17, 2016 Public Hearing re: Bill No. 2615
3. February 24, 2016 Council Meeting
4. March 17, 2016 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2016-77](#) Communication (03/09/2016) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kaua'i:
 - a. Charter Review Commission
 - Russell M. Wong – Term ending 12/31/2018
 - b. Fire Commission
 - Chad K. Pacheco – Term ending 12/31/2016
(See Resolution No. 2016-37 and Resolution No. 2016-38)

2. [C 2016-78](#) Communication (03/15/2016) from the Director of Human Resources, transmitting for Council information, the March 15, 2016 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of November 16, 2015 to March 15, 2016.

3. [C 2016-79](#) Communication (03/16/2016) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2625, the Mayor's Proposed Operating Budget for the Fiscal Year 2016-2017, specifically the appropriation for Leadership Kaua'i (Office of the Mayor), as he is a volunteer and facilitator for the annual Leadership Kaua'i adult class.
4. [C 2016-80](#) Communication (03/16/2016) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding the Grove Farm (Puhī Metals Recycling) Liabilities appropriation in the Department of Finance – Administration and 800 MHz Radio Site Lease: Grove Farm appropriation in the Civil Defense Agency, as reflected in Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017, as he is a Project Specialist employed by Grove Farm Company, Inc.
5. [C 2016-81](#) Communication (03/16/2016) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017, specifically the East Kaua'i Water appropriation in the Office of Economic Development – Grant-In-Aid, and Kaua'i Soil Conservation appropriation in the Department of Public Works – Grant-In-Aid, as he is a Director for the East Kaua'i Soil & Water Conservation District.
6. [C 2016-82](#) Communication (03/16/2016) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal regarding the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 YWCA (Office of Economic Development – Grant-In-Aid), as he is the Director of Operations for the YWCA.
7. [C 2016-83](#) Communication (03/17/2016) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017, specifically the appropriation to the Boys & Girls Club (Department of Parks & Recreation – Kaua'i War Memorial Convention Hall), as she is on the Kaua'i Advisory Board for the Boys & Girls Club of Hawai'i.

8. [C 2016-84](#) Communication (03/23/2016) 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 29, 2016, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua‘i for the Fiscal Year 2015-2016. *(Copies of the Period 8 Financial Reports as of February 29, 2016 on file in the County Clerk’s Office.)*

F. COMMUNICATIONS:

1. [C 2016-69](#) Communication (02/16/2016) from the Chief of Police, requesting Council approval of an unbudgeted purchase of a 48 feet by 20 feet (960 square feet) mezzanine for an approximate cost of \$80,000.00, and subsequent installation at the Kaua‘i Police Department’s Station in Līhu‘e to address the need for additional space for evidence storage; \$50,000.00 of the cost of the mezzanine will come from unexpended funds in Account No. 001-1003-551.43-03, (Kaua‘i Police Department, Administrative & Technical Bureau, Repair and Maintenance Vehicles), and the remaining \$30,000.00 will come from unexpended funds in Account No. 001-1001-551.01-01 (Kaua‘i Police Department, Chief’s Office, Regular Salaries) as a result of vacant positions. *(See also CR-BF 2016-10; the Budget & Finance Committee recommended approval on March 30, 2016.)*

2. [C 2016-70](#) Communication (02/22/2016) from the Chief of Police, requesting Council approval of 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 to \$825,000), using unexpended funds anticipated in Account No. 001-1001-551.01-01 (Kaua‘i Police Department, Chief’s Office, Regular Salaries), to keep the Kaua‘i Police Department on track with their strategic vehicle replacement plan which necessitates the purchase of forty-five (45) newly marked patrol vehicles over the next three (3) years, and with the understanding that no vehicles will be budgeted in Fiscal Year 2017. *(See also CR-BF 2016-11; the Budget & Finance Committee recommended approval on March 30, 2016.)*

3. [C 2016-85](#) Communication (03/04/2016) from the Chief of Police, requesting Council approval of an unbudgeted purchase of twenty-five (25) Laptop Computers to be used as Mobile Data Terminals (MDT), at an estimated cost of \$75,000.00 (\$3,000.00 each), using unexpended funds anticipated in Account No. 001-1003-551.66-01 (Kaua'i Police Department, Administrative & Technical Bureau, Gasoline).
4. [C 2016-86](#) Communication (03/09/2016) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 10, Kaua'i County Code 1987, as amended, by adding a new Article 5B, to allow for construction of additional rental units in the Līhu'e Planning District. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2016-1), Director's Report, Agency Comments, and the Minutes of the November 24, 2015, December 8, 2015, and January 26, 2016 Planning Commission Meetings, on file in the County Clerk's Office.*) (**See Proposed Draft Bill (No. 2627)**)
5. [C 2016-87](#) Communication (03/15/2016) from the Acting County Engineer, requesting Council approval of an unbudgeted purchase of Sewer Line – Rapid Acoustical Testing (SL-RAT) survey equipment, at an estimated cost of \$25,000.00, using unexpended funds anticipated in Account No. 502-2061-642.43-06 (Sewer Fund, Department of Public Works, Wastewater Division, Contractual Repairs, Island-wide Collection System Acoustical Survey), to allow the Wastewater Management Division staff to assess the County's gravity sewer system, focus sewer line maintenance efforts where blockage is indicated, identify sewer line segments for cleaning and resurveying to verify the effectiveness of cleaning, and establish scheduling for future cleaning.
6. [C 2016-88](#) Communication (03/17/2016) from the County Attorney, requesting authorization to expend funds up to \$40,000.00 for Special Counsel's continued services provided to the Planning Department for Transient Vacation Rental (TVR) appeals, and related matters.
7. [C 2016-89](#) Communication (03/18/2016) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$75,000.00, from the State of Hawai'i Department of Agriculture, to be used for the East Kaua'i Irrigation System Maintenance, for maintenance of the East Kaua'i North and South Complexes and the Upper Kapahi and Wailua Reservoirs.

8. [C 2016-90](#) Communication (03/18/2016) from the Director of Economic Development, requesting Council approval to receive unspent grant funds from previous fiscal years from the Kaua'i Farmers Development Corporation and Kaua'i Farmers Association, in the total amount of \$100,050.92, that will be redeposited to the General Fund.

9. [C 2016-91](#) Communication (03/23/2016) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify the United States Department of Housing and Urban Development (HUD) grant, in the amount of \$133,000.00, for the continuation of salaries and fringe benefits for the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators, to continue the FSS Program, which enables participating low-income families increase their earned income, reduce or eliminate the need for welfare assistance and rental subsidies, and make progress towards economic independence and self-sufficiency.

G. CLAIMS:

1. [C 2016-92](#) Communication (03/04/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Andy Kakutani, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2016-93](#) Communication (03/08/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Island Insurance Company, Ltd., as subrogee of Rommel S. Aguinaldo, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2016-94](#) Communication (03/21/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Chung Restaurants of Kaua'i, LLC, for loss of revenue, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2016-95](#) Communication (03/23/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by First Insurance Company of Hawai'i Ltd., as subrogee of Grove Farm Company Inc., et al, for damage to their vehicle.

H. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2016-01:** on EDIR 2016-03 Communication (03/01/2016) from the Director of Economic Development, requesting agenda time to present the Kekaha Host Community Benefit Program 2016 Report. **[Received for the Record.]**
- b. **CR-EDIR 2016-02:** on EDIR 2016-04 Communication (03/04/2016) from the County Attorney, requesting agenda time to provide an educational “legal information” session about the Hawai‘i State Judiciary’s Environmental Court Program. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2016-10:** on C 2016-69 Communication (02/16/2016) from the Chief of Police, requesting Council approval of an unbudgeted purchase of a 48 feet by 20 feet (960 square feet) mezzanine for an approximate cost of \$80,000.00, and subsequent installation at the Kaua‘i Police Department’s Station in Līhu‘e to address the need for additional space for evidence storage; \$50,000.00 of the cost of the mezzanine will come from unexpended funds in Account No. 001-1003-551.43-03, (Kaua‘i Police Department, Administrative & Technical Bureau, Repair and Maintenance Vehicles), and the remaining \$30,000.00 will come from unexpended funds in Account No. 001-1001-551.01-01 (Kaua‘i Police Department, Chief’s Office, Regular Salaries) as a result of vacant positions. **[Approved.]**

b. CR-BF 2016-11: on C 2016-70

Communication (02/22/2016) from the Chief of Police, requesting Council approval of 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 to \$825,000), using unexpended funds anticipated in Account No. 001-1001-551.01-01 (Kaua'i Police Department, Chief's Office, Regular Salaries), to keep the Kaua'i Police Department on track with their strategic vehicle replacement plan which necessitates the purchase of forty-five (45) newly marked patrol vehicles over the next three (3) years, and with the understanding that no vehicles will be budgeted in Fiscal Year 2017. **[Approved.]**

c. CR-BF 2016-12: on Bill No. 2618

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING 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 GENERAL FUND (*Deputy County Attorney, Kaua'i Police Department Legal Support – \$30,933*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2016-37](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Russell M. Wong*)

2. [Resolution No. 2016-38](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Chad K. Pacheco*)

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2627\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUA‘I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LĪHU‘E PLANNING DISTRICT

K. BILL FOR SECOND READING:

1. [Bill No. 2618](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING 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 GENERAL FUND (*Deputy County Attorney, Kaua‘i Police Department Legal Support – \$30,933*) (*See also CR-BF 2016-12; 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 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-844 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), 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 brief the Council in matters concerning changing the governmental structure of the County of Kaua‘i from the current system to a council-manager form of government, as well as discussion on opinion issued by the Office of the county Attorney as it relates to this matter, 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-845 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 on Special Counsel’s continued representation of the Planning Department in TVR appeals 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.

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 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. 2619](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*Restricting Homestays to the Visitor Destination Areas County of Kaua'i, Applicant*)

- 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, LIHU'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.**