

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, APRIL 11, 2018

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘E, KAUA‘I, HAWAI‘I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. March 21, 2018 Special Council Meeting
2. March 28, 2018 Public Hearing re: Bill No. 2675

E. CONSENT CALENDAR:

1. [C 2018-90](#) Communication (03/05/2018) from the Director of Finance, transmitting for Council information, the Third 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.
2. [C 2018-91](#) Communication (03/12/2018) from Councilmember Chock, transmitting for Council consideration and confirmation, the appointment of Erica Jolie Anuhea Taniguchi to the Public Access, Open Space, Natural Resources Preservation Fund Commission (*Anahola – Hā‘ena*) – Term ending 12/31/2020. (***See Resolution No. 2018-16***)

3. [C 2018-92](#) Communication (03/12/2018) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2018 Action Plan (Home Investment Partnership Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. **(See Resolution No. 2018-17)**
4. [C 2018-93](#) Communication (03/12/2018) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2018 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. 2018-18)**
5. [C 2018-94](#) Communication (03/20/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to Kaua'i Soil Conservation in the Department of Public Works – Grant-In-Aid, as he is the Director for the East Kaua'i Soil & Water Conservation District.
6. [C 2018-95](#) Communication (03/20/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to Grove Farm (Puhi Metals Recycling) Liabilities in the Department of Finance – Administration and 800 MHz Radio Site Lease: Grove Farm appropriation in the Emergency Management Agency, as he is a Project Manager employed by Grove Farm Company, Inc.
7. [C 2018-96](#) Communication (03/20/2018) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation for Leadership Kaua'i training in the Office of the Mayor, as he is a volunteer and facilitator for the annual Leadership Kaua'i adult class; and Leadership Kaua'i and his company, Kupu A'e Leadership Development, are partners in leadership initiatives on Kaua'i.

8. [C 2018-97](#) Communication (03/27/2018) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detail Budget Report as of December 31, 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 Period 6 Financial Reports as of December 31, 2017 on file in the Office of the County Clerk.*)
9. [C 2018-98](#) Communication (03/28/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor’s Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to the Kauaʻi Philippine Cultural Center in the Office of the Mayor – Grant-In-Aid, as his immediate family member is a member of the Board of Directors and is a Corporate Officer of the organization.
10. [C 2018-99](#) Communication (03/28/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2018-27, Grant of Easements from Grove Farm Properties, Inc., conveying easements to the County of Kauaʻi, Tax Map Key No. (4) 3-3-018:009, Lihuʻe, Kauaʻi, Hawaiʻi, for access, utility, and drainage, due to his employment with Grove Farm Company, Inc.
11. [C 2018-100](#) Communication (04/02/2018) from Councilmember Kawakami, transmitting for Council consideration, a Resolution Appointing Derek S.K. Kawakami As Representative And Ross Kagawa As Alternate To The Executive Committee Of The Hawaiʻi State Association Of Counties. (***See Resolution No. 2018-19***)

F. COMMUNICATIONS:

1. [C 2018-101](#) Communication (03/20/2018) from the Life’s Choices Kauaʻi Coordinator, requesting Council approval to apply for, receive, and expend Federal funds from the Drug Free Communities Grant through the Office of National Drug Control Policy, and the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, in the amount of \$125,000.00 per year for a period of five (5) years, beginning September 29, 2018.

2. [C 2018-102](#) Communication (03/20/2018) from the Emergency Management Administrator, requesting Council approval to receive and expend Hurricane Shelter Retrofit Program funds from the State of Hawai'i Emergency Management Agency, in a total amount of \$650,000.00, for the retrofits of the Kalāheo Gymnasium and Kaua'i War Memorial Convention Hall for evacuation shelter purposes.

3. [C 2018-103](#) Communication (03/23/2018) from the Director of Finance, transmitting for Council consideration, proposed amendments to:
 - 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 2017-2018, by revising the amounts estimated in the General Fund, to increase funding of the Adolescent Treatment & Healing Center; and
 - Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Bond Fund and the General Fund-CIP, to increase funding of the Adolescent Treatment & Healing Center. *(See Proposed Draft Bill (No. 2704) and Proposed Draft Bill (No. 2705))*

4. [C 2018-104](#) Communication (03/27/2018) from the Director of Human Resources, requesting Council approval of the provisions set forth in the CPS HR Consulting Test Rental and Use Agreement with regards to indemnification, attorney's fees, and interpretation; jurisdiction.

5. [C 2018-105](#) Communication (03/27/2018) from Councilmember Kawakami and Councilmember Kaneshiro, transmitting for Council consideration, a proposal to amend Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Tax, to establish a real property tax exemption for residential homeowners who install an automatic fire suppression system which meets minimum design specifications. *(See Proposed Draft Bill (No. 2706))*

6. [C 2018-106](#) Communication (03/28/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds of up to \$100,000.00 from the Claims and Judgments account to satisfy the County of Kaua'i's self-insured retention limit concerning the litigation of Mark N. Begley vs. County of Kaua'i, et al., Civil No. CV16-00350, and related matters.

7. [C 2018-107](#) Communication (03/29/2018) from the Deputy Planning Director, on behalf of the Public Access, Open Space, Natural Resources Preservation Fund Commission, transmitting for Council consideration, proposed amendments to the following:
- 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 Public Access, Open Space, Natural Resources Preservation Fund, to appropriate funds for the acquisition of the Pak Hook Tong Cemetery and vacant land on a property in Kekaha, Kaua'i, Hawai'i, further identified as Tax Map Key (4) 1-2-013:041; and
 - Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Public Access, Open Space, Natural Resources Preservation Fund – CIP, to revise the amounts estimated in the newly created fund titled, the Public Access, Open Space, Natural Resources Preservation Fund – CIP, to be appropriated for the Kekaha Coastal Property, Tax Map Key (4) 1-2-013:041 - \$599,000.00.
(See Proposed Draft Bill (No. 2707) and Proposed Draft Bill (No. 2708))
8. [C 2018-108](#) Communication (03/29/2018) from the County Attorney, requesting authorization to expend funds of up to \$25,000.00 for Special Counsel services to represent the County of Kaua'i in pursuing opioid litigation against the manufacturers and distributors of opioid pain medications, and related matters.

G. LEGAL DOCUMENT:

1. [C 2018-109](#) Communication (03/20/2018) from the Acting County Engineer, recommending Council approval of the Attorney Fee Provision in the Detention Basin Agreement for the Rice Camp Phase II Development between the County of Kaua'i and Rice Hoala Partners, LP, for the maintenance of detention basins located within the Rice Camp Phase II development.
- Rice Camp – PH II Detention Basin Agreement

H. COMMITTEE REPORTS:1. PLANNING COMMITTEE:**a. CR-PL 2018-03:** on PL 2018-01

Communication (03/28/2018) from Committee Chair Chock, requesting the presence of the Planning Director, to provide a briefing on the West Kaua'i Community Plan, including but not limited to the projected timeline, how community engagement is being encouraged, format of the plan, areas of focus, and the consultants being used. **[Received for the Record.]**

b. CR-PL 2018-04: on 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*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2018-16](#) – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Erica Jolie Anuheia Taniguchi – Anahola – Hā'ena*)

2. [Resolution No. 2018-17](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2018 ACTION PLAN (HOME INVESTMENT PARTNERSHIP PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

3. [Resolution No. 2018-18](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2018 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

4. [Resolution No. 2018-19](#) – RESOLUTION APPOINTING DEREK S.K. KAWAKAMI AS REPRESENTATIVE AND ROSS KAGAWA AS ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2704\)](#) – 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 (*Operating Budget Transfer to the Adolescent Treatment & Healing Center - \$400,000.00*)

2. [Proposed Draft Bill \(No. 2705\)](#) – 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 BOND FUND AND GENERAL FUND-CIP (*CIP Budget Transfer to the Adolescent Treatment & Healing Center - \$1,900,000.00*)

3. [Proposed Draft Bill \(No. 2706\)](#) – A BILL FOR AN ORDINANCE AMENDING ARTICLE 11, CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Automatic Fire Suppression System Exemption*)

4. [Proposed Draft Bill \(No. 2707\)](#) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Operating Budget Transfer – Kekaha Coastal Property Acquisition - \$599,000.00*)

5. [Proposed Draft Bill \(No. 2708\)](#) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*CIP Budget Transfer – Kekaha Coastal Property Acquisition - \$599,000.00*)

K. BILL FOR SECOND READING:

1. [Bill No. 2675](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA‘I COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Farm Worker Housing Use Permits*) (*See also CR-PL 2018-04; the Planning 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-945 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 requests an Executive Session with the Council, to provide the Council with an additional briefing update and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua‘i, CV 16-00402 LEK-KJM (United States District 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.
2. ES-946 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 the litigation of Mark N. Begley vs. County of Kaua‘i, et al., Civil No. CV16-00350, 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-947 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 the retention of Special Counsel to represent the County of Kaua‘i in pursuing opioid litigation against the manufacturers and distributors of opioid pain medications, 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.

4. ES-948 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4) (6) & (8), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the County Administration, respectfully requests an Executive Session with the Council to provide the Council with a briefing on communication C 2018-83 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, 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 as well as to consider sensitive matters related to public safety or security, and 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.

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. 2695](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY
2. [Bill No. 2697](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY
3. [Bill No. 2700](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES

- 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, LĪHUʻE, 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.**