

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 4, 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 4, 2016 Special Council Meeting, Council-Manager Form of Government Workshop (***Deferred April 20, 2016***)
2. March 3, 2016 Special Council Meeting, Council-Manager Form of Government Workshop (***Deferred April 20, 2016***)
3. March 17, 2016 Special Council Meeting, Council-Manager Form of Government Workshop (***Deferred April 20, 2016***)
4. March 23, 2016 Council Meeting
5. March 23, 2016 Public Hearing re: Bill No. 2816
6. April 20, 2016 Public Hearing re: Bill No. 2623 and Bill No. 2624

E. INTERVIEW:

1. BOARD OF ETHICS:

- [William J. Fernandez](#) – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-106](#) Communication (04/07/2016) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016.

2. [C 2016-107](#) Communication (04/12/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk On Po'ipū Road At Kipuka Street, Kōloa District, County Of Kaua'i, to improve safety for pedestrian connectivity for the immediate residential community to businesses and other destinations in the area. **(See Resolution No. 2016-40)**
3. [C 2016-108](#) Communication (04/15/2016) from the Mayor, transmitting for Council consideration, a Resolution To Re-Authorize The Nomination Of Enterprise Zones For Consideration And Designation By The Governor Of The State Of Hawai'i. **(See Resolution No. 2016-41)**
4. [C 2016-109](#) Communication (04/15/2016) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kaua'i from January 1, 2016 through March 31, 2016.
5. [C 2016-110](#) Communication (04/28/2016) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Proposing A Charter Amendment Relating To the Institution Of A Council-Manager Form Of Government. **(See Resolution No. 2016-42)**

G. COMMUNICATIONS:

1. [C 2016-100](#) Communication (04/01/2016) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 701 in Ho'okena at Puhī, 2080 Manawalea Street, Līhu'e, Hawai'i, Tax Map Key (TMK) (4) 3-3-003-036-0041, 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 also CR-HT 2016-02; the Housing & Transportation Committee recommended approval on April 27, 2016.)*
2. [C 2016-111](#) Communication (04/04/2016) from the Chief of Police, requesting Council approval to accept a donation of equipment consisting of three (3) MorphoTrak Livescans valued at \$78,133, from the Hawai'i Criminal Justice Data Center, Department of the Attorney General, State of Hawai'i, which will replace the equipment located at the Hanalei, Līhu'e, and Waimea Substations.

3. [C 2016-112](#) Communication (04/11/2016) from the Housing Director, requesting Council approval for the acquisition and leasehold resale to a participant on the Affordable Housing Program Waitlist of improvements on leasehold property situated at 4914 Aliali Road, #5, Kapa'a, Hawai'i 96746, and to authorize the County Clerk to sign legal documents related to the acquisition and resale of said transactions.
4. [C 2016-113](#) Communication (04/14/2016) from the Director of Parks & Recreation, requesting Council approval of an unbudgeted equipment purchase of an Americans with Disabilities Act (ADA) Pentair AquaTRAM 360 pool lift with anchor and transfer cart, to be stationed at the Kapa'a Pool, at an estimated cost of \$13,554.47, using funds in Account No. 001-3021-661.61-02 (Department of Parks & Recreation, Recreation Division, Other Supplies).
5. [C 2016-114](#) Communication (04/14/2016) from the Acting County Engineer, requesting Council approval of an unbudgeted equipment purchase using anticipated savings in the Department of Public Works, Solid Waste Division's Operating Budget of a flatbed lift gate truck with an extended cab, at an estimated cost of \$70,000, to provide the capability and sufficient hauling capacity to transport labor, multiple refuse carts, et cetera for various refuse collection operation tasks in the Hā'ena to Kekaha areas.
6. [C 2016-115](#) Communication (04/28/2016) from Councilmember Yukimura, transmitting for Council consideration, a proposal to amend the County fuel tax rate by two cents (2¢) effective July 1, 2016, and an additional two cents (2¢) effective July 1, 2017.
(See Resolution No. 2016-43 and Proposed Draft Bill (No. 2630))
7. [C 2016-116](#) Communication (04/28/2016) from Councilmember Yukimura, transmitting for Council consideration, a Proposed Draft Bill to amend Section 5-2.3, Kaua'i County Code 1987, as amended, to increase the motor vehicle weight tax for all motor vehicles designed for carrying passengers and for trucks, or non-commercial vehicles by \$0.01, and an increase of \$0.02 for vehicles designed for carrying property. ***(See Proposed Draft Bill (No. 2631))***

H. CLAIMS:

1. [C 2016-117](#) Communication (04/12/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as subrogee for Lilane Corpuz, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2016-118](#) Communication (04/20/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by DTRIC Insurance as subrogee for Cale Akana, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2016-119](#) Communication (04/21/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance as subrogee for Deldrene Robia, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-06:** on PWPR 2016-05 Communication (04/11/2016) from Council Chair Rapozo, requesting the presence of the Managing Director, the County Attorney, and the Acting County Engineer, to provide a briefing on solid waste solutions as it relates to Fiscal Year 2016-2017 budget appropriation requests. **[Received for the Record.]**

2. PUBLIC SAFETY COMMITTEE:

- a. **CR-PS 2016-03:** on Bill No. 2623 A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE **[Approved.]**

3. HOUSING & TRANSPORTATION COMMITTEE:**a. CR-HT 2016-02:** on C 2016-100

Communication (04/01/2016) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 701 in Ho'okena at Puhī, 2080 Manawalea Street, Līhu'e, Hawai'i, Tax Map Key (TMK) (4) 3-3-003-036-0041, and grant the owner a one-year waiver of the buyback provision to allow for the market sale of the property by the owner. **[Approved.]**

4. COMMITTEE OF THE WHOLE:**a. CR-COW 2016-05:** on Bill No. 2624

A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2015 AND JUNE 30, 2017 **[Approved as Amended.]**

J. RESOLUTIONS:

1. [Resolution No. 2016-40](#) – RESOLUTION ESTABLISHING A CROSSWALK ON PO'IPU ROAD AT KIPUKA STREET, KOLOA DISTRICT, COUNTY OF KAUA'I

2. [Resolution No. 2016-41](#) – RESOLUTION TO RE-AUTHORIZE THE NOMINATION OF ENTERPRISE ZONES FOR CONSIDERATION AND DESIGNATION BY THE GOVERNOR OF THE STATE OF HAWAII

3. [Resolution No. 2016-42](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE INSTITUTION OF A COUNCIL-MANAGER FORM OF GOVERNMENT

4. [Resolution No. 2016-43](#) – RESOLUTION DETERMINING THE COUNTY OF KAUA'I FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2630\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX

2. [Proposed Draft Bill \(No. 2631\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX

L. BILLS FOR SECOND READING:

1. [Bill No. 2623](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE (*See also CR-PS 2016-03; the Public Safety Committee recommended approval on second and final reading.*)

2. [Bill No. 2624, Draft 1](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2015 AND JUNE 30, 2017 (*See also CR-COW 2016-05; the Committee of the Whole approval as amended to Bill No. 2624, Draft 1 on April 27, 2016.*)

M. 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-848 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 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-849 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 on matters concerning the impact that statutes and constitutional provisions will have on efforts to change the governmental structure of the County of Kaua'i from the current system to a Council-Manager form of government, and to discuss the opinions issued by the Office of the County Attorney as they relate 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.

3. ES-850 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 a briefing regarding Equal Employment Opportunity Commission (EEOC) Charge Nos. 486-2013-0005, 486-2013-00342, 486-2013-00047, and 486-2013-00343 concerning the County of Kaua'i, Kaua'i Police Department, to obtain settlement authority, 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-851 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 a briefing in the mediation of: Michael S. Kocher, Sr., Individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, to obtain settlement authority, 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.

N. ADJOURNMENT.

- O. 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. [Resolution No. 2016-39](#) – RESOLUTION ESTABLISHING CROSSWALKS, STRIPED PEDESTRIAN WALKWAYS, AND INTERSECTION MODIFICATIONS ON WAIKOMO ROAD, KŌLOA DISTRICT, COUNTY OF KAUA'I

2. [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 (*County of Kaua'i, Applicant*)

P. 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.