

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MAY 17, 2017**  
**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 meeting of the Council:

1. April 12, 2017 Council Meeting

E. INTERVIEW:

1. CHARTER REVIEW COMMISSION:

- [Rose Ramos-Benzel](#) – Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2017-112](#)      Communication (04/04/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Wyatt B. Angelo to the Charter Review Commission – Term ending 12/31/2019. **(See Resolution No. 2017-34)**
  
2. [C 2017-113](#)      Communication (04/13/2017) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking Zones Along A Portion Of Ho'onani Road, And Repealing Existing Parking Restrictions Along Ho'onani Road, Kōloa District, County Of Kaua'i, to prohibit parking near Sheraton Kaua'i Resort's loading dock and an existing walkway and service ramp. **(See Resolution No. 2017-35)**

3. [C 2017-114](#) Communication (04/25/2017) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal relating to the funding for “Public Services – Nāmāhoe Leadership Voyaging Program (Leadership Kaua‘i)” in the amount of \$35,000, which is part of the funding appropriated in 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, as he will potentially be contracted by Leadership Kaua‘i.
4. [C 2017-115](#) Communication (04/26/2017) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of March 31, 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 9 Financial Reports as of March 31, 2017 on file in the Office of the County Clerk.*)
5. [C 2017-116](#) Communication (04/27/2017) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council approval, the Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the term starting July 1, 2017, pursuant to Section 5C of the Bylaws of the Hawai‘i State Association of Counties, Inc. (***See Resolution No. 2017-36***)
6. [C 2017-117](#) Communication (04/28/2017) from the Director of Human Resources, transmitting for Council information, the May 1, 2017 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua‘i for the Fiscal Year 2016-2017, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of March 16, 2017 to May 1, 2017.

G. COMMUNICATIONS:

1. [C 2017-118](#) Communication (04/13/2017) from the Chief of Police, requesting Council approval to apply for, accept, and expend Federal funds in the amount of \$748,250.00, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following traffic related functions: data traffic records, distracted driver, occupant protection, pedestrian, road block, speed, youth deterrence, traffic services, purchase of equipment, supplies, training, travel expenses, media expenses, et cetera, and the purchase of two (2) unmarked patrol vehicles for impaired driver enforcement.
2. [C 2017-119](#) Communication (04/17/2017) from the Housing Director, requesting Council approval to expend and indemnify the 2015 HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funds, in the amount of \$366,478.00, offered by the Hawai'i Housing Finance and Development Corporation (HHFCD), which is a fifteen percent (15%) HOME set-aside requirement for each HOME allocation, reserved for a CHDO engaging in HOME-eligible activities.
3. [C 2017-120](#) Communication (04/20/2017) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Fire Fighters Association (HFFA) Bargaining Unit 11 for the period July 1, 2017 and June 30, 2019 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter. *(Arbitration Panel's Award and Decision for Bargaining Unit 11 on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2650))*
4. [C 2017-121](#) Communication (04/20/2017) from the Housing Director, requesting Council approval for the following:
  - a. Acquisition under the County's Community Development Block Grant (CDBG) Program of a residential unit at 4940 Alii Road, Hanapēpē, Kaua'i, Hawai'i, 96716, Tax Map Key (TMK): (4) 1-8-014-094, for a purchase price of not more than \$397,000.00, based on the fee simple market appraisal, which will be obtained through this transaction;
  - b. Resale of 4940 Alii Road, Hanapēpē, Kaua'i, Hawai'i, 96716, by leasehold market appraisal, which will be obtained through this transaction; and
  - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

5. [C 2017-122](#) Communication (04/25/2017) from the Public Access, Open Space and Natural Resources Preservation Fund Commission, transmitting the Commission's recommendation to use its dossier process to recommend acquisition of a Hanalei coastal property at Tax Map Key (TMK) (4) 5-8-012:002, Hanalei, Kaua'i. *(Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002) (Copies of the Commission Dossier Letter of Recommendation for Acquisition to the County Council; Department of Planning, Preliminary Report; Department of Planning Supplemental #1 to the Preliminary Report; Minutes from the January 12, 2017 Commission Meeting; Draft Minutes of the April 13, 2017 Commission Meeting; and Draft ordinances for the appropriation of funds for acquisition, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2651) and Proposed Draft Bill (No. 2652))*
  
6. [C 2017-123](#) Communication (04/25/2017) from the Public Access, Open Space and Natural Resources Preservation Fund Commission, transmitting the Commission's recommendation to use its dossier process to recommend acquisition of a Kekaha coastal property at Tax Map Key (TMK) (4) 1-2-013:041, Kekaha, Kaua'i. *(Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041) (Copies of the Department of Planning Preliminary Report; Department of Planning Supplemental #1 to the Preliminary Report; Minutes from the November 10, 2016 Commission Meeting; Draft Minutes of the April 13, 2017 Commission Meeting; and Draft ordinances for the appropriation of funds for acquisition, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2653) and Proposed Draft Bill (No. 2654))*
  
7. [C 2017-124](#) Communication (04/28/2017) from the Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) to obtain protected health information for its employees, beneficiaries, and retirees through a Confidentiality Agreement.
  
8. [C 2017-125](#) Communication (05/05/2017) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2017-2018 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter.

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

- a. **CR-PWPR 2017-13:** on PWPR 2017-11 Communication (04/26/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing regarding the Kaua'i Resource Center and County Recycling contracts, including the current status of all related contracts, what actions the County has taken to address any reduction in services for residents, businesses, and what the County's end goal is for offering recycling services, et cetera. **[Received for the Record.]**

2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2017-04:** on EDIR 2017-04 Communication (04/24/2017) from Councilmember Chock, requesting the presence of Dr. Janet Berreman, Kaua'i District Health Officer, and Dr. Sarah Park, State Epidemiologist, to provide a briefing on the potential risk of Rat Lungworm disease in Hawai'i. **[Received for the Record.]**

3. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

- a. **CR-PST 2017-04:** on PST 2017-02 Communication (04/13/2017) from Council Vice Chair Kagawa, requesting the presence of the Chief of Police and the Director of Human Resources, to discuss the recruitment and hiring practices for Kaua'i police officers, and the efforts being made to attract and qualify Kaua'i residents for these positions. **[Received for the Record.]**

**4. COMMITTEE OF THE WHOLE:****a. CR-COW 2017-04: on COW 2017-02**

Communication (03/30/2017) from Council Chair Rapozo, requesting the presence of the Director of Human Resources, to provide a briefing on the negotiated agreements for all collective bargaining units over the last twenty (20) years, as it relates to salary increases, increased benefits, and other raises received (e.g., standard of conduct differential pay, other allowances, et cetera).  
**[Received for the Record.]**

**I. RESOLUTIONS:**

1. [Resolution No. 2016-60](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN

*(Deferred February 22, 2017)*

2. [Resolution No. 2017-34](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION *(Wyatt B. Angelo)*

3. [Resolution No. 2017-35](#) – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG A PORTION OF HO'ONANI ROAD, AND REPEALING EXISTING PARKING RESTRICTIONS ALONG HO'ONANI ROAD, KŌLOA DISTRICT, COUNTY OF KAUAI

4. [Resolution No. 2017-36](#) – RESOLUTION APPROVING NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2018

**J. BILLS FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2650\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2017 AND JUNE 30, 2019

2. [Proposed Draft Bill \(No. 2651\)](#) – 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 HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002*)

3. [Proposed Draft Bill \(No. 2652\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-813, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002*)

4. [Proposed Draft Bill \(No. 2653\)](#) – 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 HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*)

5. [Proposed Draft Bill \(No. 2654\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-813, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*)

K. 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.)*

L. ADJOURNMENT.

M. 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. 2647](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING MAP ZM-PO 300 (*CIRI Land Development Company, Applicant*) (ZA-2017-2)
2. [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 KAUAI, 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*)
3. [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 KAUAI, 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*)

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, 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**