

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 31, 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 meetings of the Council:

1. May 10, 2017 Public Hearing re: Resolution No. 2017-25, Bill No. 2645, and Bill No. 2646
2. May 17, 2017 Public Hearing re: Bill No. 2647, Bill No. 2648, and Bill No. 2649

E. CONSENT CALENDAR:

1. [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.
(Public hearing held May 23, 2017)

F. COMMUNICATIONS:

1. [C 2017-126](#) Communication (04/24/2017) from Councilmember Yukimura, requesting Council consideration, for the public release of the following County Attorney opinion regarding Google Transit:
 - County Attorney Opinion dated February 16, 2017 and Council request dated February 2, 2017 (Tracking No. 17-0197)

2. [C 2017-127](#) Communication (05/09/2017) from the Director of Parks & Recreation, requesting Council approval to accept and expend a donation in the amount of \$50.00 from an anonymous donor, in appreciation of their continued use of the facilities at Po'ipū Beach Park.

3. [C 2017-128](#) Communication (05/10/2017) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to allow for the creation of a new University Zoning District. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2017-4), Director's Report and Supporting Documentation, and Minutes from the March 28, 2017 and April 11, 2017 Planning Commission Meeting, on file in the Office of the County Clerk.)*
(See Proposed Draft Bill (No. 2655))

4. [C 2017-129](#) Communication (05/11/2017) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Units 2 and 13 for the period July 1, 2017 through 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 Units 2 and 13 on file in the Office of the County Clerk.)*
(See Proposed Draft Bill (No. 2656))

5. [C 2017-130](#) Communication (05/11/2017) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Units 3 and 4 for the period July 1, 2017 through 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 Units 3 and 4 on file in the Office of the County Clerk.)*
(See Proposed Draft Bill (No. 2657))

6. [C 2017-131](#) Communication (05/15/2017) from the Acting County Engineer, requesting Council approval to expend State funds in the amount of \$254,861.81, from the State of Hawai'i Department of Health (DOH), and indemnify the State DOH, for the Fiscal Year 2018 grant cycle for the HI-5 Deposit Beverage Container program.

7. [C 2017-132](#) Communication (05/19/2017) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State of Hawai'i Department of Transportation (HDOT) Transportation Alternatives Program (TAP) funds, in the amount of \$600,000.00, to support a project in partnership with the U.S. Fish and Wildlife Service and HDOT to relocate the Hanalei National Wildlife Refuge Viewpoint from its existing location along Kūhiō Highway, across from the Princeville Center, to a new location along Kūhiō Highway, south of Kūhiō Highway and Ka Haku Road intersection, to provide safe access to and from Kūhiō Highway, allow for more parking, and allow for an improved visitor experience with short trails, overlooks, and interpretive signage.

G. LEGAL DOCUMENT:

1. [C 2017-133](#) Communication (04/25/2017) from the Acting County Engineer, recommending Council approval, of a Limited Right-of-Entry Permit with the State of Hawai'i Department of Hawaiian Homelands (DHHL), to allow for the removal of approximately fifty (50) cubic yards of sand from the Anahola river mouth area situated at Tax Map Key (TMK) Nos. (4) 4-8-12:10 (por.) and (4) 4-8-18:028 and 29 (por.), for the filling and placement of temporary sandbags to stabilize the roadway until final repair can be done on 'Aliomanu Road in Anahola.

- Limited Right-of-Entry Permit

H. CLAIM:

1. [C 2017-134](#) Communication (05/08/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jeanette Bonilla, for damage to her property, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2017-07:** on Bill No. 2647 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING MAP ZM-PO 300 (*CIRI Land Development Company, Applicant*) (ZA-2017-2) **[Approved as Amended.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-05:** on BF 2017-01 Communication (05/15/2017) from Budget & Finance Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2017-2018 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-BF 2017-06:** on Resolution No. 2017-25 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 FOR THE COUNTY OF KAUA'I **[Approved as Amended.]**
- c. **CR-BF 2017-07:** on Bill No. 2645 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 Operating Budget*) **[Approved as Amended.]**
- d. **CR-BF 2017-08:** on Bill No. 2646 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 CIP Budget*) **[Approved as Amended.]**

- e. **CR-BF 2017-09:** on 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*) **[Approved.]**
- f. **CR-BF 2017-10:** on 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 Hooa Street, #113 Purchase*) **[Approved.]**

J. RESOLUTION:

1. [Resolution No. 2017-25, Draft 1](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 FOR THE COUNTY OF KAUAI (*See also CR-BF 2017-06; the Budget & Finance Committee recommended approval as amended to Resolution No. 2017-25, Draft 1 on May 23, 2017.*)

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2655\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR THE CREATION OF A NEW UNIVERSITY DISTRICT (*County of Kaua'i Planning Department, Applicant*)
2. [Proposed Draft Bill \(No. 2656\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNITS 2 AND 13 BETWEEN JULY 1, 2017 AND JUNE 30, 2019

3. [Proposed Draft Bill \(No. 2657\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNITS 3 AND 4 BETWEEN JULY 1, 2017 AND JUNE 30, 2019

L. BILLS FOR SECOND READING:

1. [Bill No. 2645, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 Operating Budget*) (See also CR-BF 2017-07; the Budget & Finance Committee recommended approval as amended to Bill No. 2645, Draft 1 on May 23, 2017.)

2. [Bill No. 2646, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 CIP Budget*) (See also CR-BF 2017-08; the Budget & Finance Committee recommended approval as amended to Bill No. 2646, Draft 1 on May 23, 2017.)

3. [Bill No. 2647, Draft 1](#) – 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) (See also CR-PL 2017-07; the Planning Committee recommended approval as amended to Bill No. 2647, Draft 1 on May 23, 2017.)

4. [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*) (See also CR-BF 2017-09; the Budget & Finance Committee recommended approval on second and final reading.)

5. [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 Hooa Street, #113 Purchase*) (See also CR-BF 2017-10; the Budget & Finance Committee recommended approval on second and final reading.)

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 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-905 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, on behalf of the Council, requests an Executive Session for the Council to consult with the County Attorney regarding the Council's release of the County Attorney Memorandum/Opinion Tracking Number 17-0197 dated February 16, 2017, and request dated February 2, 2017, for Written Response Regarding Google Transit, 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. 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, LĪHU'E, KAUA'I, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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