

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, JUNE 13, 2018**  
**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 22, 2018 Public Hearing re: C 2018-120
2. May 30, 2018 Public Hearing re: Bill No. 2710 and Bill No. 2711

E. INTERVIEW:

1. SALARY COMMISSION:

- [Kenneth N. Rainforth](#) – Term ending 12/31/2020

F. CONSENT CALENDAR:

1. [C 2018-129](#) Communication (05/29/2018) from the Director of Finance, transmitting for Council information, the Period 7 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detail Budget Report as of January 31, 2018, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018. *(Copies of Period 7 Financial Reports as of January 31, 2018 on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2018-130](#) Communication (05/11/2018) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Section 8-2.1(A) and Section 8-4.2(A), and Chapter 10, Section 10-5A.7(A), Kaua'i County Code 1987, as amended, Relating to the Comprehensive Zoning Ordinance and Lihu'e Town Core Urban Design District, to increase the upper limit of Residential Zoning District designation for the Rice Street Neighborhood Design District from R-20 to R-40. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2018-5) including the Draft Ordinance, as amended; Director's Report; and Minutes from the March 27, 2018 Planning Commission Meeting, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2687))*
2. [C 2018-131](#) Communication (05/22/2018) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$279,762.00 for Fiscal Year 2018, to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older American Act, which includes information and referral, outreach, legal assistance, in-home fall prevention, congregate meals, home-delivered meals, evidence-based programs like EnhanceFitness or Better Choices, Better Health, and caregiver support services, and to indemnify the State Executive Office on Aging.
3. [C 2018-132](#) Communication (05/22/2018) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State grant funds, in the amount of \$160,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste Recycling for this Fiscal Year and to indemnify the State Department of Health.
4. [C 2018-133](#) Communication (05/23/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$250,000.00 from the Claims and Judgments account to satisfy 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.
5. [C 2018-134](#) Communication (05/23/2018) from the Director of Economic Development, requesting Council approval to receive and expend State funds in the amount of \$145,000.00, and approval to indemnify the State of Hawai'i, Hawai'i Tourism Authority Ho'okaulike program, for Safety and Educational signage in five of the six *moku*: Kona, Puna, Ko'olau, Halele'a, and Nāpali.

6. [C 2018-135](#) Communication (05/29/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$150,000.00 from the Claims and Judgments account in the litigation of Michael Sheehan Kocher, Sr., et al. vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (Fifth Circuit Court), and related matters.
  
7. [C 2018-136](#) Communication (06/01/2018) from the Director of Finance, requesting Council approval to accept and expend Emergency Use funding from the State of Hawai'i via Act 12 of the Regular Legislative Session 2018, in the amount of \$25,000,000.00, to assist with the April 2018 flood relief efforts.

#### H. LEGAL DOCUMENT:

1. [C 2018-137](#) Communication (05/11/2018) from the Acting County Engineer, recommending Council approval of the conveyance of Easement W-1 by the County of Kaua'i to the Board of Water Supply, for the Offsite Construction Plans for the County of Kaua'i Adolescent Treatment and Healing Center, Tax Map Key (TMK) No. (4) 3-8-018:012, Lihu'e, Kaua'i, Hawai'i, for reading of water meters and for the construction, installation, re-installation, maintenance, repair, and removal of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances.
  - Grant of Easement

#### I. CLAIMS:

1. [C 2018-138](#) Communication (05/31/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William K. Pu'u'ulei, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2018-139](#) Communication (05/31/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William Asing, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

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

- a. **CR-PWPR 2018-06:** on PWPR 2018-05 Communication (05/30/2018) from Council Chair Rapozo and Council Vice Chair Kagawa, requesting the presence of the Acting County Engineer, to provide a briefing on the County's role in floodplain management, including applicable floodplain management laws and rules. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-27:** on Bill No. 2703 A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS **[Approved as Amended.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2018-02:** on Bill No. 2711 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019 **[Approved.]**

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2687\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8-2.1(A) AND SECTION 8-4.2(A), AND CHAPTER 10, SECTION 10-5A.7(A), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE AND LIHU'E TOWN CORE URBAN DESIGN DISTRICT

L. BILLS FOR SECOND READING:

1. [Bill No. 2703, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS (*See also CR-BF 2018-27; the Budget & Finance Committee recommended approval as amended to Bill No. 2703, Draft 1 on June 6, 2018.*)

2. [Bill No. 2711](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019 (*See also CR-COW 2018-02; the Committee of the Whole 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-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. ***(Deferred May 30, 2018)***
  
2. ES-951 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 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-952 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 litigation of Michael Sheehan Kocher, Sr., vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (Fifth Circuit 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.

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