

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JUNE 1, 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. CONSENT CALENDAR:

1. [C 2016-126](#) Communication (05/06/2016) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2016-2017 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter.
(Public hearing held May 24, 2016)

2. [C 2016-130](#) Communication (05/12/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The 'Ele'ele Wastewater Treatment Plant Improvements, Project No. C150050-11, for additional funding necessary to complete the project. *(See Resolution No. 2016-47)*

3. [C 2016-131](#) Communication (05/16/2016) from the Director of Finance, transmitting for Council information, the Period 10 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of April 30, 2016, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016. *(Copies of the Period 10 Financial Reports as of April 30, 2016 on file in the County Clerk's Office.)*

E. COMMUNICATIONS:

1. [C 2016-132](#) Communication (05/12/2016) from the County Attorney, requesting authorization to expend funds up to \$25,000.00 for Special Counsel's continued services provided in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters.
2. [C 2016-133](#) Communication (05/12/2016) from the County Attorney, requesting authorization to expend funds up to \$50,000.00 for Special Counsel's continued services provided in Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters.
3. [C 2016-134](#) Communication (05/12/2016) from the County Attorney, requesting authorization to expend funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.
4. [C 2016-135](#) Communication (05/12/2016) from the County Attorney, requesting authorization to expend funds up to \$42,000.00 for Special Counsel's continued services provided in State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (Fifth Circuit Court), and related matters.
5. [C 2016-136](#) Communication (05/13/2016) from the Housing Director, requesting Council approval to apply for, receive, and expend \$1,425,000.00 in National Housing Trust Fund (HTF) funds to be made available by the Hawai'i Housing Finance and Development Corporation (HHFDC), and to indemnify HHFDC, the funding will be used to provide grants to increase and preserve the supply of decent, safe, and sanitary affordable housing for primarily extremely low-income (30% of area median income) households.
6. [C 2016-137](#) Communication (05/23/2016) from Councilmember Kaneshiro, transmitting for Council consideration, proposed amendments to Chapter 8, Kauai County Code 1987, as amended, to allow for the construction and development of multiple family dwellings in all residential zoning districts. (***See Proposed Draft Bill (No. 2634)***)

F. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2016-05:** on Bill No. 2627

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT (*County of Kaua'i, Applicant*) **[Approved as Amended.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2016-15:** on BF 2016-08

Communication (05/17/2016) from Budget & Finance Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheet) to the Mayor's Fiscal Year 2016-2017 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**

- b. **CR-BF 2016-16:** on Resolution No. 2016-35 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 FOR THE COUNTY OF KAUAI **[Approved.]**

- c. **CR-BF 2016-17:** on Bill No. 2625

A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 Operating Budget*) **[Approved as Amended.]**

- d. **CR-BF 2016-18:** on Bill No. 2626

A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 CIP Budget*) **[Approved as Amended.]**

G. RESOLUTIONS:

1. [Resolution No. 2016-35](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 FOR THE COUNTY OF KAUAI (*See also CR-BF 2016-16; the Budget & Finance Committee recommended approval on May 24, 2016.*)

2. [Resolution No. 2016-47](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE ‘ELE‘ELE WASTEWATER TREATMENT PLANT IMPROVEMENTS, PROJECT NO. C150050-11

H. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2634\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, TO ALLOW MULTIPLE FAMILY DWELLING UNITS IN ALL RESIDENTIAL ZONING DISTRICTS (*Kauai County Council, Applicant*)

I. BILLS FOR SECOND READING:

1. [Bill No. 2625, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 Operating Budget*) (*See also CR-BF 2016-17; the Budget & Finance Committee recommended approval as amended to Bill No. 2625, Draft 1 on May 24, 2016.*)

2. [Bill No. 2626, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 CIP Budget*) (*See also CR-BF 2016-18; the Budget & Finance Committee recommended approval as amended to Bill No. 2626, Draft 1 on May 24, 2016.*)

3. [Bill No. 2627, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU‘E PLANNING DISTRICT (*County of Kauai, Applicant*) (*See also CR-PL 2016-05; the Planning Committee recommended approval as amended to Bill No. 2627, Draft 1 on May 24, 2016.*)

J. 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-854 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 Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters. The 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-855 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 Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. 13-1-0360 (Fifth Circuit Court), and related matters. The 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-856 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 Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. The 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-857 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 State of Hawai'i vs. Irvin Magayanes, Criminal Number CR15-1-0267 (Fifth Circuit Court), and related matters. The 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.

K. ADJOURNMENT.

L. 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.