

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, JULY 26, 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. June 28, 2017 Council Meeting
2. July 12, 2017 Council Meeting

E. INTERVIEWS:

1. CHARTER REVIEW COMMISSION:

- [Virginia M. Kapali](#) – Term ending 12/31/2018
- [Galen T. Nakamura](#) – Term ending 12/31/2018

2. FIRE COMMISSION:

- [Alfred Levinthol](#) – Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2017-164](#) Communication (06/30/2017) from the Director of Finance, transmitting for Council information, the Period 11 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of May 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 11 Financial Reports as of May 31, 2017 on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2017-165](#) Communication (06/26/2017) from the Acting County Engineer, requesting Council approval to receive and expend State Capital Improvement Project (CIP) funds, in the amount of \$500,000.00, for the construction of the Waimea River Crossing, which will benefit the community by providing a safer crossing, promote more farming, and provide an alternative route should an emergency arise with only one (1) bridge connecting Waimea and Kekaha to the rest of the island.
  
2. [C 2017-166](#) Communication (07/05/2017) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from April 1, 2017 through June 30, 2017.
  
3. [C 2017-167](#) Communication (07/07/2017) from the Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i, Department of Education (DOE), for the use of various DOE school cafeterias and restroom facilities, including, but not limited to the following locations: Elsie H. Wilcox Elementary School, Kaua'i High School, Chiefess Kamakahahei Middle School, and Kapa'a Elementary School, which will be used by the Department of Human Resources for testing purposes in calendar year 2018.
  
4. [C 2017-168](#) Communication (07/12/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$50,000.00, and from Partners for Places, in the amount of \$50,000.00, for a total amount of \$100,000.00, for the development of a Climate Action Plan (CAP) for the County of Kaua'i.
  
5. [C 2017-169](#) Communication (07/12/2017) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$74,434.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim Witness Assistance Program 18-VW-03 for the period of July 1, 2017 through June 30, 2019.

6. [C 2017-170](#) Communication (07/14/2017) from Councilmember Brun and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill to Amend The Kaua'i County Code 1987, as amended, Chapter 8, Relating To The Comprehensive Zoning Ordinance. *(Additional Rental Unit) (See Proposed Draft Bill (No. 2660))*

#### H. LEGAL DOCUMENTS:

1. [C 2017-171](#) Communication (06/30/2017) from the Mayor, recommending Council approval of a Dedication Deed from Aukahi Farm, LLC, conveying Roadway Lot 8, Aukahi Farm Subdivision, Kōloa, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 2-8-012:001 (por.), to the County of Kaua'i for public purposes, improvements, and uses including the construction and maintenance of sidewalks, streets, and other such public improvements.

- Dedication Deed

2. [C 2017-172](#) Communication (07/12/2017) from the Housing Director, recommending Council approval of a Right-of-Entry Agreement with Community Planning and Engineering, Inc., for parcels situated at Tax Map Key (TMK) Nos. (4) 3-8-005-028 and 029, Līhu'e, Kaua'i, Hawai'i, and TMK (4) 2-6-004:019 to Koa'e, Po'ipū, Kaua'i, Hawai'i, granting access to the subject parcels in order to undertake predevelopment site work.

- Right-of-Entry Agreement

#### I. COMMITTEE REPORTS:

##### 1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2017-16:** on PWPR 2017-14 Communication (07/12/2017) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer and the Director of Economic Development, to provide a briefing on the County's Motor Pool Program, including, but not limited to, the impact on the County's Auto Maintenance Shop. **[Received for the Record.]**

**2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:**

- a. **CR-EDIR 2017-05:** on EDIR 2017-05      Communication (06/14/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer and the Transportation Planner, to provide an update on the Administration's progress with the revocable permits proposal. **[Received for the Record.]**

**3. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2017-07:** on 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 **[Approved.]**
- b. **CR-COW 2017-08:** on COW 2017-03      Communication (05/11/2017) from the Life's Choices Kaua'i Coordinator, requesting agenda time to provide an update on the Life's Choices Kaua'i Program and its projects, including the Kaua'i Community Drug Response Plan 2015-2020, the Adolescent Treatment and Healing Center, and the Partnership for Success (PFS) Grant. **[Received for the Record.]**

**J. BILL FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2660\)](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit*)

**K. BILL FOR SECOND READING:**

1. [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 (*See also CR-COW 2017-07; the Committee of the Whole recommended approval on second and final reading.*)

L. 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-911 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, requests an Executive Session with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by N.F. Kawakami Store c/o Nai Chaney Brooks, 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.
2. ES-912 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2 & 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 pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-913 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney 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.
4. ES-914 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, requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Kepuhi Point Hale, LLC vs. County of Kaua'i, Civ. No. 17-1-0052 JKW (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.

M. ADJOURNMENT.

N. 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. 2658](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 11 AND 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX
  
2. [Bill No. 2659](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11A.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BENEFICIAL TAX RATE FOR PROPERTY USED FOR LONG-TERM AFFORDABLE RENTAL

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, 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).**